

ATTORNEY DOCKET: 3659.015

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Philippe CARON )  
S.N.: 10/554,454 ) Examiner: Jacob K. Ackun  
Filed: October 25, 2005 ) Art Unit: 3728  
Confirmation No.: 9123 )  
For: PACKAGING FOR THE INDIVIDUAL )  
PRESENTATION OF AT LEAST ONE SCREW )  
\_\_\_\_\_  
)

M/S: Amendment  
Commissioner for Patents

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

The Office Action Summary, mailed May 13, 2008, having a shortened statutory period for response set to expire June 13, 2008, requires restriction to one of the following alleged patentably distinct inventions under 35 U.S.C. §121:

- I. Claims 30-38, drawn to a package;
- II. Claims 39 and 54-58 drawn to an assembly;
- III. Claims 40-41, drawn to an assembly;
- IV. Claims 42-45, drawn to an assembly; and
- V. Claims 46-53, drawn to an assembly.

Applicant traverses the requirement for the reasons stated hereinafter and respectfully requests withdrawal of the restriction requirement. Nevertheless, in accordance with the election requirement, Applicant elects:

Group I, claims 30-38.

Applicant acknowledges the Examiner's determination made requiring the restriction.  
Applicant respectfully disagrees with the Examiner.

The statutory basis of restriction practice under Section 121, provides that if two or more independent and distinct inventions are claimed in one patent application, the Examiner may require the application be restricted to one invention. This authority is discretionary, not mandatory, even if arguably deemed proper under the MPEP. Applicant believes that any additional search required for the remaining groups will require a minimal burden to the examiner. Accordingly, Applicant respectfully requests that such discretionary authority not be invoked and the restriction requirement be withdrawn.

Very respectfully,  
/Dennis G. LaPointe/

May 19, 2008  
Dated: \_\_\_\_\_

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